

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Harry D. Leinenweber	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 9347	DATE	12/28/2012
CASE TITLE	Hall vs. Law Office of Arnold Scott Harris, et al.		

DOCKET ENTRY TEXT

Plaintiff's *in forma pauperis* application [4] and motion for appointment of counsel [5] are denied without prejudice. Plaintiff must submit a non-frivolous complaint within 21 days of entry of this order or the case will be dismissed with prejudice. Plaintiff must also submit a revised, accurate financial affidavit within 21 days of entry of this order or the *in forma pauperis* application will be denied with prejudice.

■ [For further details see text below.]

Docketing to mail notices.

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Before the Court is Plaintiff Nicole Hall's ("Hall" or "Plaintiff") *in forma pauperis* application and motion for appointment of counsel. For the following reasons, both motions are denied without prejudice. Plaintiff has 21 days from entry of this order to submit a non-frivolous complaint and a complete financial affidavit, or the *in forma pauperis* application will be denied, and the case dismissed, with prejudice.

Part of the determination in an *in forma pauperis* ruling is first determining whether the complaint has any possible merit or is frivolous on its face. *Wartman v. Branch 7, Civil Div., Cnty. Ct., Milwaukee Cnty., State of Wis.*, 510 F.2d 130, 134 (7th Cir. 1975).

Plaintiff has utilized the Northern District's "Complaint of Employment Discrimination" form. Ordinarily, this is enough to pass the very low frivolous bar. However, Plaintiff neglected to check any boxes under Paragraph No. 9 that indicate what type of employment discrimination she faced. With no actionable discrimination alleged, the case is frivolous on its face. Plaintiff must refile a completed version of this form, or submit a written complaint stating in short and plain terms a non-frivolous complaint. Plaintiff has 21 days from entry of this order to do so or the case will be dismissed with prejudice.

As to the *in forma pauperis* application, Plaintiff's financial affidavit indicates she has zero income. As a non-incarcerated person, Ms. Hall must have some way of obtaining food, shelter and clothing on a day-to-day basis. She must specify what that means is. If Plaintiff chooses to refile her financial affidavit, she must give a complete picture of her finances or pay the filing fee. Failure to supply a realistic financial picture will result in denial of the application *in forma pauperis*. This includes answering question 2.b., which asks Plaintiff to state her last monthly salary. Plaintiff responded "N/A," which the court presumes is short for "not applicable." Unless plaintiff was a volunteer earning no money at her last job, this is not an accurate answer. Plaintiff must state her monthly salary before she was fired. Finally, Plaintiff should indicate if she

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receives any unemployment benefits, food stamps or Social Security payments. If Plaintiff needs to file a written statement attached to the financial affidavit form she should do so. Plaintiff has 21 days to refile an accurate financial affidavit or the motion to proceed *in forma pauperis* will be denied with prejudice.

Lastly, Plaintiff has also applied for appointment of counsel. With no accurate picture as to Plaintiff's finances, and no indication of what cause of action she is pursuing, the Court cannot grant such a motion. It is denied without prejudice. Plaintiff may refile for appointment of counsel if she submits an accurate financial affidavit and a non-frivolous complaint.